

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

IN RE PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESALE PRICE LITIGATION

MDL No. 1456

Master File No. 01-12257-PBS

Subcategory No. 06-11337-PBS
Civil Action No. 08-cv-10852

THIS DOCUMENT RELATES TO:

*United States of America ex rel. Ven-A-Care of
the Florida Keys, Inc., by and through its principal
officers and directors, Zachary T. Bentley and
T. Mark Jones v. Actavis Mid Atlantic LLC, et al.*

Judge Patti B. Saris

Magistrate Judge Marianne B. Bowler

**NOTICE OF WITHDRAWAL OF DEFENDANTS' CROSS-MOTION TO COMPEL
THE CENTERS FOR MEDICARE AND MEDICAID SERVICES TO
PRODUCE DEPOSITION TESTIMONY**

PLEASE TAKE NOTICE that defendants Actavis MidAtlantic LLC, Alpharma USPD Inc. f/k/a Barre National Inc., and Barre Parent Corp. (collectively "Actavis MidAtlantic"); Par Pharmaceutical, Inc. and Par Pharmaceutical Companies, Inc. (collectively "Par"); Sandoz Inc. f/k/a Geneva Pharmaceuticals Inc. ("Sandoz"); and Watson Pharmaceuticals, Inc. and Watson Pharma, Inc. f/k/a Schein Pharmaceutical, Inc. (collectively, "Watson") (together, the "Defendants") respectfully notify the Court that they hereby withdraw their cross-motion to compel directed to the Centers for Medicare and Medicaid Services, which Defendants filed on May 19, 2011 (Dkt. No. 170).

Defendants withdraw this motion because settlement discussions between Defendants and Plaintiff in this action may cause the motion to become moot. Defendants reserve their right to renew the motion should it become necessary to do so.

Dated: June 17, 2011

Respectfully submitted on behalf of all Defendants

By: /s/ Heather K. McDevitt
Heather K. McDevitt (*pro hac vice*)
Paul B. Carberry (*pro hac vice*)
WHITE & CASE LLP
1155 Avenue of the Americas
New York, New York 10036-2787
Telephone: (212) 819-8200
Facsimile: (212) 354-8113
hmcdevitt@whitecase.com
pcarberry@whitecase.com

Attorneys for Defendant Sandoz Inc.

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing NOTICE OF WITHDRAWAL OF DEFENDANTS' CROSS-MOTION TO COMPEL THE CENTERS FOR MEDICARE AND MEDICAID SERVICES TO PRODUCE DEPOSITION TESTIMONY was delivered to all counsel of record and to counsel of the United States by electronic service in accordance with Paragraph 11 of the Case Management Order No. 2, by sending on June 17, 2011, a copy to Lexis-Nexis for posting and notification to all parties.

/s/ Daniel Cohen

Daniel Cohen